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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,999	02/26/2002	H. Fred Campbell	2696.3003.001	4280

23399 7590 04/09/2003

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/082,999

Applicant(s)

CAMPBELL, H. FRED

Examin r

McDermott, Kevin

Art Unit

3635

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, lines 5 and 7 recite "associated". This language is considered indefinite because the relationship between the supporting plate and the footings is not clear.

Regarding claim 7, line 3 recites "it". This language is considered indefinite.

Regarding claim 10, line 3 recites "laterally outward." Laterally outward from what? This language is considered indefinite.

Regarding claim 12, lines 2 and 6 recite "associated". This language is considered indefinite because the relationship between the supporting plate and the footings is not clear. Additionally, line 5 recites "it". This language is considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and claim 6 as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bevacqua.

Bevacqua discloses in figures 2 and 4, and in column 4, lines 11-18, a plurality of spaced apart post assemblies 11 having a lower tubular steel part 35 provided with a triangular foot plate 36 at its lower end and through which respective adjusting bolts 37 are threadably engaged for vertical adjustment. The three adjusting bolts 37 enable the height and the inclination of the post assembly 11 to be selectively adjusted. The adjusting bolts 37 are embedded in concrete pads 55 which are preferably bedded in sand 56.

Additionally, Bevacqua discloses in figure 1, a building 10 supported on post assemblies 11.

The building 10 is the claimed building, the pad 55 is the claimed footing, the post assembly 11 is the claimed column, and the foot plate 36 is the claimed means supporting the post assembly 11.

Regarding claim 2, and claim 6 as best understood, the foot plate 36 is the claimed column-supporting plate, and the three adjusting bolts 37 are the means supporting the foot plate 36 on the pad 55.

Regarding claim 3, Bevacqua discloses the bolts 37 which correspond to the claimed bolts secured to the footing/pad 55, and the bolts 37 have an upper portion projecting above the pad 55. Additionally, figure 4 shows the bolts 37 supporting the plate 36. Bolts 37 inherently have threads that engage and support the plate 36.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 8, 9, and claims 7 and 10 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bevacqua in view of Kaplan.

Bevacqua discloses the bolts 37 which correspond to the claimed plurality of bolts secured to the footing/pad 55, and the bolts 37 have an upper threaded portion projecting above the pad 55. However, Bevacqua does not disclose first nuts threaded on the upper portions of bolts 37, second nuts threaded on the upper portions of bolts 37 to clamp down on the first nuts, and a bearing plate supporting the foot plate 36.

Kaplan discloses in figure 3 and in column 1, lines 19-36, a light support pole having a flange 9, in the form of a circular plate or ring, welded or otherwise attached to the lower end of the flange 9. Bearing plate 10 is provided as a supporting member and clamping ring 11 is provided as a gripping member. The bearing plate 10 and clamping ring 11 are spaced to register with the upstanding anchor bolts 14, rising from the lower permanent foundation portions of the base, so as to be freely adjustable over the bolts.

Nuts 15, on the bolts below the bearing plate 10 can be adjusted to set the clamp structure at a desired level and nuts 16, over the clamping ring are adjustable to release or to fix the holding grip on the pole structure. Nuts 15 support the bearing plate 10 and the flange 9. Flange 9 is also the light support base.

The nuts 15 and bearing plate 10 of Kaplan are disposed on the top portions of bolts 14 and support the flange 9 in a vertically adjustable position.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support structure of Bevacqua by substituting the threaded bolts 14 of Kaplan for the bolts 37 of Bevacqua, to use the nuts 15 as the first nuts for supporting the foot plate 36, to use the bearing plate 10 to support the foot plate 36, and to use the nuts 16 as the second nuts for clamping down on the nuts 15.

One of ordinary skill would be motivated to make such a modification to provide a simple and low cost adjustable column support structure.

Regarding claim 9, Bevacqua discloses in figure 3 the post assemblies 11 placed around a floor area of a building structure. Additionally, Bevacqua discloses in figure 2 a finished floor 15 extending over the ground. The floor 15 is the claimed finished floor and the ground is the claimed sub-floor. Before installation of the floor 15, the ground can be used to receive building and support materials useful in constructing the building.

Regarding claim 10, Bevacqua discloses in figure 2 the ground being substantially horizontal. However, Bevacqua does not disclose the marginal edge portions of the ground sloping downwardly in a laterally outward direction.

Earth around buildings is graded so that drainage flows away from the building.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to grade the ground under the structure 10 of Bevacqua to drain water away from the building 10.

One of ordinary skill would be motivated to make such a modification to provide prevent water from accumulating underneath the building 10.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bevacqua in view of Hickman.

Bevacqua's disclosure is discussed above. Additionally, Bevacqua discloses in figure 2 the post assemblies 11 supporting roof 16 by way of columns 18. However, Bevacqua does not disclose the roof 16 having a border frame and the roof 16 having a flat horizontal surface.

Hickman discloses in figures 1 and 2 a flat horizontal roof deck **A** with a border frame comprised of vertical leg 12 and inclined leg 14. The roof and border frame can be adapted to contain a pool of water.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the building of Bevacqua to have a flat horizontal roof with a border frame.

One of ordinary skill would be motivated to make such a modification to provide the structure of Bevacqua with a watertight roof.

Claim 12 as best understood and claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bevacqua in view of Hickman and further in view of Kaplan. The disclosures of Bevacqua and Hickman are discussed above.

However, neither Bevacqua nor Hickman disclose first nuts threaded on the upper portions of bolts 37, second nuts threaded on the upper portions of bolts 37 to clamp down on the first nuts, and a bearing plate supporting the foot plate 36.

Kaplan's disclosure is discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support structure of Bevacqua by substituting the threaded bolts 14 of Kaplan for the bolts 37 of Bevacqua, to use the nuts 15 as the first nuts for supporting the foot plate 36, to use the bearing plate 10 to support the foot plate 36, and to use the nuts 16 as the second nuts for clamping down on the nuts 15.

One of ordinary skill would be motivated to make such a modification to provide a simple and low cost adjustable column support structure.

Regarding claim 14, Bevacqua discloses in figure 3 the post assemblies 11 placed around a floor area of a building structure. Additionally, Bevacqua discloses in figure 2 a finished floor 15 extending over the ground. The floor 15 is the claimed finished floor and the ground is the claimed sub-floor. Before installation of the floor 15, the ground can be used to receive building and support materials useful in constructing the building.

Regarding claim 15, Bevacqua discloses in figure 2 the ground being substantially horizontal. However, neither Bevacqua, Hickman, nor Kaplan disclose the marginal edge portions of the ground sloping downwardly in a laterally outward direction. Earth around buildings is graded so that drainage flows away from the building.

It would have been an obvious design choice to grade the ground under the structure 10 of Bevacqua, because Applicant has not disclosed that to drain water away from the building 10.

One of ordinary skill would be motivated to make such a modification to provide prevent water from accumulating underneath the building 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

A handwritten signature in black ink, appearing to read 'C. Friedman', with a long horizontal stroke extending to the right.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600

KM 4/3/03